

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

MCKESSON AUTOMATION, INC.,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 06-28 (SLR/LPS)
)	
SWISSLOG ITALIA S.P.A. and)	
TRANSLOGIC CORPORATION,)	
)	
Defendants.)	

STIPULATION AND [PROPOSED] ORDER MODIFYING SCHEDULING ORDER

The parties hereto hereby stipulate and agree, subject to the Court's approval, to amend the following paragraphs of the Court's Scheduling Order entered in this case on May 6, 2008 [D.I. 289], as amended by the June 5, 2008 Order issued by Judge Stark [D.I. 315], to read as follows:

2. Discovery.

(b) Fact discovery relating to Defendants' Fourth, and Sixth through Ninth Counterclaims shall be commenced in time to be completed by **August 29, 2008**.

(c) Expert discovery related to the patent claims shall be commenced in time to be completed by **August 8, 2008**. Expert discovery relating to Defendants' Fourth, and Sixth through Ninth Counterclaims shall be commenced in time to be completed by **August 29, 2008**.

6. Summary Judgment Motions. All summary judgment motions shall be served and filed with an opening brief on or before **September 24, 2008**. Opposition Briefs are due **October 10, 2008** and Reply Briefs are due **October 20, 2008**.

7. Claim Construction. The parties will file simultaneous opening claim construction briefs on **August 14, 2008**. Simultaneous response briefs should be filed by

September 5, 2008. Issues of claim construction shall be considered by the court in conjunction with the summary judgment motion(s). The hearing on the claim construction and motion(s) for summary judgment will be heard on **October 31, 2008 at 9:00 A.M.**

BLANK ROME LLP

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/s/ Julia Heaney (#3052)

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Counsel for Plaintiff McKesson Automation, Inc.

Counsel for Defendants Swisslog Italia S.p.A. and Translogic Corporation

SO ORDERED this ____ day of _____, 2008.

United States District Judge

2423193

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July 29, 2008

BY E-FILING

The Honorable Sue L. Robinson
United States District Court
for the District of Delaware
844 King Street
Wilmington, DE 19801

Re: *McKesson Automation, Inc. v. Swisslog Italia S.P.A. and
Translogic Corporation*, C.A. No. 06-28 (SLR/LPS)

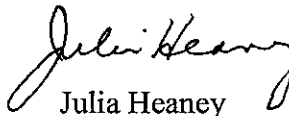
Dear Judge Robinson:

On behalf of all counsel, I enclose the parties' Stipulation and Proposed Order Modifying Scheduling Order.

The stipulation adds deadlines for additional discovery relating to Defendants' Fourth and Sixth through Ninth Counterclaims, pursuant to Magistrate Judge Stark's June 5, 2008 Order. The parties have also agreed to slight changes of the briefing dates for claim construction and summary judgment motions set forth in that Order (primarily to reset dates that fell on weekends), although the date for completion of summary judgment briefing remains the same and the parties are not requesting that the October 31 hearing date, or any subsequent dates, be rescheduled.

Counsel are available should the Court wish to discuss these proposed changes.

Respectfully,


Julia Heaney

JH:ncf
Enclosures

cc: Clerk, US District Court (by hand delivery)
Dale Dubé (by e-mail)

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